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Davis Polk

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July 26, 2019

Re: *In re LIBOR-Based Fin. Instruments Antitrust Litig.*, Master File No. 11-md-2262-NRB; *Fed. Deposit Ins. Corp. as Receiver for 38 Closed Banks v. Bank of Am. Corp., et al.*, 14-cv-1757-NRB ("FDIC"); *Fed. Deposit Ins. Corp. as Receiver for Doral Bank*, 18-cv-1540-NRB ("FDIC-Doral"); *Fed. Home Loan Mortg. Corp. v. Bank of Am. Corp. et al.*, 13-cv-3952-NRB ("Freddie Mac"); *Nat'l Credit Union Admin. Bd. v. Credit Suisse Grp. AG et al.*, 13-cv-7394-NRB ("NCUA"); *Principal Fin. Grp., Inc. et al. v. Bank of Am. Corp. et al.*, 13-cv-6014-NRB ("Principal Financial"); *Principal Funds, Inc. et al. v. Bank of Am. Corp. et al.*, 13-cv-6013-NRB ("Principal Funds")

Via ECF and Hand Delivery

The Honorable Naomi Reice Buchwald
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Dear Judge Buchwald:

As previewed in the parties' joint letter filed on June 27, 2019, ECF No. 2889, Defendants¹ in the *FDIC*, *FDIC-Doral*, *Freddie Mac*, *NCUA*, *Principal Financial*, and *Principal Funds* actions (the "Actions") submit this follow-up letter to memorialize the parties' agreements regarding which Defendants have been, or are being treated as, dismissed as to particular counts in each Action based on the Court's prior rulings. Subject to these dismissals and as appropriate, the applicable Defendants will serve Answers in the Actions on or before July 29, 2019.² Plaintiffs in the Actions have reviewed this letter and do not dispute that any of the specified claims and actions are dismissed or shall be treated as dismissed as to the specified

¹ This letter uses the term "Defendants" to describe collectively entities named in one or more of the operative complaints in the Actions, including former defendants that have been dismissed. Each Defendant joins this letter to the extent (and only to the extent) that such Defendant is named in the operative complaint in a particular Action. By joining this letter, no Defendant consents to personal jurisdiction or venue in any action. Defendants expressly reserve all available defenses, including as to personal jurisdiction and venue.

² For the sake of clarity, Defendants that requested leave to move to dismiss the *FDIC* Action, see ECF No. 2890, have already responded to that Action and, therefore, need not answer on or before July 29, 2019.

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Defendants.³ Defendants request that the Court approve the parties' agreements as detailed below, to provide clarity regarding the specific claims and Defendants dismissed in each Action.

The charts set forth in this letter list only Defendants that are fully dismissed or shall be treated as fully dismissed from a particular count under the Court's prior rulings. This letter does not list Defendants that have been partially dismissed from particular counts and does not include counts as to which there is a disagreement among the applicable parties as to whether that count has been dismissed. The parties reserve all rights with respect to any such counts.

FDIC and FDIC-Doral

The Federal Deposit Insurance Corporation ("FDIC") and the Defendants in the *FDIC* Action have stipulated and agreed⁴ that the following Defendants are or shall be treated as dismissed from the counts identified in the table below, based on the Court's prior rulings:

FDIC Amended Complaint⁵ Count	Dismissed Entities
Counts I-X – Breach of Contract Claims	Merrill Lynch Capital Services, Inc., NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc); Bank of America, N.A.; JPMorgan Chase Bank, N.A.; Barclays Bank PLC; Citibank, N.A.; Citigroup Financial Products Inc.; Citigroup Inc.; Credit Suisse International; Deutsche Bank AG; J.P. Morgan Markets Ltd. (f/k/a Bear Stearns International Ltd.); J.P. Morgan Bank Dublin plc (f/k/a Bear Stearns Bank plc); Royal Bank of Canada; UBS AG; Merrill Lynch International Bank Ltd., Merrill Lynch & Co., The Hongkong and Shanghai Banking Corp., Ltd.; Merrill Lynch International, HSBC Bank USA, N.A., Bear Stearns Capital Markets, Inc.; Portigon AG (f/k/a WestLB AG)
Count XI – Breach of Implied Covenant of Good Faith and Fair Dealing	Merrill Lynch Capital Services, Inc.; Citigroup Financial Products Inc.; Citigroup Inc.; Credit Suisse International; J.P. Morgan Markets Ltd.; J.P. Morgan Bank Dublin plc (f/k/a Bear Stearns Bank plc); Merrill Lynch International Bank Ltd.; Merrill Lynch & Co.; The Hongkong and

³ Plaintiffs in the Actions believe the parties' respective positions have already been put forth in the stipulations and pre-motion letters submitted to the Court and do not believe the Court should be burdened with any further correspondence on the subject. Plaintiffs do not join this letter but do not intend to submit anything further, subject to a reservation of all rights.

⁴ Order, ECF No. 2892.

⁵ No. 14-cv-1757-NRB, ECF No. 23.

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	Shanghai Banking Corp., Ltd.; Merrill Lynch International; HSBC Bank USA, N.A.; Bear Stearns Capital Markets, Inc.
Count XII – Unjust Enrichment/Restitution	The Hongkong and Shanghai Banking Corp., Ltd., Merrill Lynch International
Count XIII – Fraud	Bank of America Corporation, Merrill Lynch International, Barclays Bank PLC; British Bankers' Association; BBA Enterprises Ltd., BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.), Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.); Credit Suisse AG; Deutsche Bank AG; HSBC Bank plc; The Hongkong and Shanghai Banking Corporation Ltd.; JPMorgan Chase & Co.; Bank of Scotland plc; Lloyds Banking Group plc; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); Société Générale; The Norinchukin Bank; Royal Bank of Canada; NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc); MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); Portigon AG (f/k/a WestLB AG)
Count XIV – Aiding and Abetting Fraud	Bank of America Corporation; Merrill Lynch & Co.; Merrill Lynch Capital Services, Inc.; Merrill Lynch International; Merrill Lynch International Bank Ltd.; Barclays Bank PLC; British Bankers' Association, BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Citigroup Inc.; Citigroup Financial Products Inc.; Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.); Credit Suisse AG; Credit Suisse International (f/k/a Credit Suisse First Boston International); Deutsche Bank AG; HSBC Bank plc; HSBC Bank USA, N.A.; The Hongkong and Shanghai Banking Corporation Ltd.; JPMorgan Chase & Co.; Bear Stearns Capital Markets, Inc.; J.P. Morgan Markets Ltd. (f/k/a Bear Stearns International Ltd.); J.P. Morgan Bank Dublin plc (f/k/a Bear Stearns Bank plc); Bank of Scotland Plc; Lloyds Banking

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	Group plc; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); Société Générale; The Norinchukin Bank; Royal Bank of Canada; NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc); MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); Portigon AG (f/k/a WestLB AG)
Count XV – Civil Conspiracy to Commit Fraud	Bank of America Corporation; Merrill Lynch & Co.; Merrill Lynch Capital Services, Inc.; Merrill Lynch International; Merrill Lynch International Bank Ltd.; Barclays Bank PLC; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Citigroup Inc.; Citigroup Financial Products Inc.; Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.); Credit Suisse AG; Credit Suisse International (f/k/a Credit Suisse First Boston International); Deutsche Bank AG; HSBC Bank plc; HSBC Bank USA, N.A.; The Hongkong and Shanghai Banking Corporation Ltd.; JPMorgan Chase & Co.; Bear Stearns Capital Markets, Inc.; J.P. Morgan Markets Ltd. (f/k/a Bear Stearns International Ltd.); J.P. Morgan Bank Dublin plc (f/k/a Bear Stearns Bank plc); Bank of Scotland plc; Lloyds Banking Group plc; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); Société Générale; The Norinchukin Bank; Royal Bank of Canada; NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc); MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); Portigon AG (f/k/a WestLB AG)
Count XVI – Negligent Misrepresentation	Bank of America Corporation; Merrill Lynch International; Merrill Lynch International Bank Ltd.; Barclays Bank PLC; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.); Credit Suisse AG; Credit Suisse

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	International (f/k/a Credit Suisse First Boston International); Deutsche Bank AG; HSBC Bank plc; The Hongkong and Shanghai Banking Corporation Ltd.; JPMorgan Chase & Co.; J.P. Morgan Markets Ltd. (f/k/a Bear Stearns International Ltd.); J.P. Morgan Bank Dublin plc (f/k/a Bear Stearns Bank plc); Bank of Scotland plc; Lloyds Banking Group plc; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); Société Générale; The Norinchukin Bank, Royal Bank of Canada; NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc), MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); Portigon AG (f/k/a WestLB AG)
Count XVII - XXII – Tortious Interference with Contract; Aiding and Abetting Tortious Interference with Contract; Civil Conspiracy to Commit Tortious Interference with Contract; Tortious Interference with Prospective Economic Advantage; Aiding and Abetting Tortious Interference with Prospective Economic Advantage; Civil Conspiracy to Commit Tortious Interference with Prospective Economic Advantage	Bank of America, N.A., Barclays Bank PLC; Citibank, N.A.; Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.); Credit Suisse AG; Deutsche Bank AG; HSBC Bank plc, JPMorgan Chase Bank, N.A.; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); The Norinchukin Bank; Royal Bank of Canada, NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc); UBS AG; British Bankers' Association; BBA Enterprises Ltd., BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.), Portigon AG (f/k/a WestLB AG); Bank of Scotland plc, Société Générale; MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.)
Count XXIII – Violations of Sherman Act, Section 1⁶	Barclays Bank PLC; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.); Credit Suisse AG; Deutsche Bank AG; HSBC Bank plc; Bank of Scotland plc; Lloyds Banking Group Plc, Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); Société Générale; The

⁶ In withdrawing its Second Amended Complaint in favor of its Amended Complaint, the FDIC agrees that Counts XXIII and XXIV are alleged against Panel Bank Defendants and the BBA only, as opposed to all Defendants.

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	Norinchukin Bank; Royal Bank of Canada; NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc); MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); UBS AG; Portigon AG (f/k/a WestLB AG)
Count XXIV – Violations of the Donnelly Act	Bank of America, N.A.; Barclays Bank PLC, Citibank, N.A.; Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.), Credit Suisse AG; Deutsche Bank AG; HSBC Bank plc; JPMorgan Chase Bank, N.A.; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); The Norinchukin Bank; Royal Bank of Canada; UBS AG; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Portigon AG (f/k/a WestLB AG); Bank of Scotland plc, NatWest Markets Plc (f/k/a The Royal Bank of Scotland plc); Société Générale; MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.)

Consistent with the above, the FDIC and the following Defendants have agreed that those Defendants are not obligated to move, answer, or otherwise respond to the pending complaint in the *FDIC* Action:

- Bank of America Corporation, Merrill Lynch International,
- British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.),
- Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.);
- Credit Suisse AG;
- The Hongkong and Shanghai Banking Corporation Ltd.; HSBC Bank plc,
- JPMorgan Chase & Co.;
- Lloyds Banking Group plc; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc),
- MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.).
- The Norinchukin Bank,

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■ Société Générale.

With respect to the *FDIC-Doral* Action, the court has previously so-ordered the parties' stipulations that all Defendants named in the *FDIC-Doral* Complaint, (No. 1:18-cv-01540-NRB, ECF No. 1), other than Citibank, N.A., are dismissed from the *FDIC-Doral* Action and that no Defendant other than Citibank, N.A. is required to answer the *FDIC-Doral* Complaint. ECF No. 2892. FDIC and Citibank, N.A. further stipulate and agree that rulings dismissing claims in the operative FDIC complaint apply to identical claims alleged in the *FDIC-Doral* Complaint as well, and that those claims will be treated as dismissed. FDIC and Citibank, N.A. further stipulate and agree that Count VI (negligent misrepresentation) of the *FDIC-Doral* Complaint shall be treated as dismissed as to Citibank, N.A.

Freddie Mac

The Federal Home Loan Mortgage Corporation ("Freddie Mac") and the Defendants in the *Freddie Mac* Action have stipulated and agreed that the following Defendants are or shall be treated as dismissed from the counts identified in the table below, based on the Court's prior rulings:

Freddie Mac Revised Third Amended Complaint/ Count	Dismissed Entities
Count I – Violations of Sherman Act Section 1	Bank of America Corporation; Bank of America, N.A.; Barclays Bank PLC; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Citigroup Inc.; Citibank, N.A.; Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.); Credit Suisse AG; Credit Suisse International, Deutsche Bank AG; HSBC Bank plc; HSBC Bank USA, N.A.; JPMorgan Chase & Co., JPMorgan Chase Bank, N.A.; Lloyds Banking Group, plc; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); Bank of Scotland plc; Société Générale; The Norinchukin Bank; Royal Bank of Canada; The Royal Bank of Scotland Group plc; Natwest Markets Plc (f/k/a The Royal Bank of Scotland plc); MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); UBS AG; WestLB AG; Portigon AG (f/k/a WestLB AG)
Count V – Breach of Contract (Defendant Credit Suisse International)	Credit Suisse International

⁷ No. 13-cv-3952-NRB, ECF No. 333.

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Count VII – Breach of Contract (Defendant HSBC Bank USA, N.A.)	HSBC Bank USA, N.A.
Count X - Fraud	Bank of America Corporation; Bank of America, N.A.; Barclays Bank plc; British Bankers' Association; BBA Enterprises Ltd., BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Citibank, N.A.; Citigroup Inc.; Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen- Boerenleenbank, B.A.); Credit Suisse International, Credit Suisse AG, Deutsche Bank AG; HSBC Bank plc; HSBC Bank USA, N.A.; JPMorgan Chase Bank, N.A., JPMorgan Chase & Co.; Lloyds Banking Group, plc; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc), Bank of Scotland plc; Société Générale; The Norinchukin Bank; Royal Bank of Canada; The Royal Bank of Scotland Group plc, Natwest Markets Plc (f/k/a The Royal Bank of Scotland plc); MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); WestLB AG; Portigon AG (f/k/a WestLB AG); UBS AG
Count XI – Tortious Interference with Contract	Bank of America Corporation; Bank of America, N.A.; Barclays Bank PLC; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Citigroup Inc.; Citibank, N.A.; Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.), Credit Suisse AG; Credit Suisse International, Deutsche Bank AG; HSBC Bank plc; HSBC Bank USA, N.A.; JPMorgan Chase & Co., JPMorgan Chase Bank, N.A.; Lloyds Banking Group, plc; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); Bank of Scotland plc; Société Générale; The Norinchukin Bank; Royal Bank of Canada; The Royal Bank of Scotland Group plc; Natwest Markets Plc (f/k/a The Royal Bank of Scotland plc); MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.), UBS AG; WestLB AG; Portigon AG (f/k/a WestLB AG)

Consistent with the above, Freddie Mac and the following Defendants have agreed that those Defendants are not obligated to move, answer, or otherwise respond to the pending complaint in the *Freddie Mac* Action:

- Bank of America Corporation;

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- British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.);
- Citigroup Inc.;
- Coöperatieve Rabobank U.A. (f/k/a Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.);
- Credit Suisse AG, Credit Suisse International;
- HSBC Bank plc; HSBC Bank USA, N.A.;
- JPMorgan Chase & Co., JPMorgan Chase Bank, N.A.;
- Lloyds Banking Group, plc; Lloyds Bank plc (f/k/a Lloyds TSB Bank plc); Bank of Scotland plc,
- MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.);
- The Norinchukin Bank,
- Royal Bank of Canada,
- The Royal Bank of Scotland Group plc;
- Société Générale;
- WestLB AG; Portigon AG (f/k/a WestLB AG).

Principal Financial

The Principal Financial Group, Inc., Principal Financial Services, Inc., and Principal Life Insurance Company (together, "Principal Financial") and the Defendants in the *Principal Financial* Action have stipulated and agreed that the following Defendants⁸ are or shall be treated as dismissed from the counts identified in the table below, based on the Court's prior rulings:

Principal Financial Revised Second Amended Complaint⁹ Count	Dismissed Entities
Count One – Violation of Section 1 of the Sherman Act	Bank of America Corporation; Bank of America, N.A.; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Chase Bank USA, N.A.; Coöperatieve Centrale Raiffeisen-Boerenleenbank,

⁸ All of Principal Financial's claims against the Citi Defendants and Barclays Defendants have been dismissed with prejudice, ECF Nos. 2863, 2823, and neither the Citi entities nor the Barclays entities are named as defendants in the Revised Second Amended Complaint filed by Principal Financial, ECF No. 2898

⁹ No. 11-md-2262-NRB, ECF No. 2898.

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	B.A.; Credit Suisse AG; Credit Suisse Group AG; Credit Suisse International, Credit Suisse Securities (USA) LLC; Deutsche Bank AG, Deutsche Bank Securities, Inc.; HBOS plc; JPMorgan Bank Dublin plc; JPMorgan Chase Bank, N.A.; JPMorgan Chase & Co.; J.P. Morgan Securities, LLC, Lloyds Banking Group plc; Lloyds Bank plc; Merrill Lynch Capital Services, Inc.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Royal Bank of Canada; The Royal Bank of Scotland Group plc; The Royal Bank of Scotland plc; RBS Securities, Inc., UBS AG; UBS Securities LLC
Count Two – Violation of the Donnelly Act	Bank of America Corporation, Bank of America, N.A.; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Chase Bank USA, N.A.; Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.; Credit Suisse AG, Credit Suisse Group AG; Credit Suisse International; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; HBOS plc; JPMorgan Bank Dublin plc; JPMorgan Chase Bank, N.A.; JPMorgan Chase & Co.; J.P. Morgan Securities, LLC; Lloyds Banking Group plc; Lloyds Bank plc; Merrill Lynch Capital Services, Inc.; Merrill Lynch, Pierce, Fenner & Smith, Inc., Royal Bank of Canada; The Royal Bank of Scotland Group plc; The Royal Bank of Scotland plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Three – Breach of Contract and Covenant of Good Faith and Fair Dealing for Interest Rate Swaps	Bank of America Corporation; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Merrill Lynch Capital Services, Inc.; Credit Suisse Group AG; Credit Suisse AG; Credit Suisse International; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; JPMorgan Chase & Co.; Chase Bank USA, N.A.; JPMorgan Bank Dublin plc; J.P. Morgan Securities, LLC; The Royal Bank of Scotland Group, plc; UBS Securities LLC
Count Four – Breach of Contract and Covenant of Good Faith and Fair Dealing for Variable-Rate Bonds and Asset-Backed Securities	Bank of America Corporation; Bank of America, N.A.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Merrill Lynch Capital Services Inc.; Credit Suisse International; Credit Suisse Group AG; Credit Suisse AG, Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc., JPMorgan Chase & Co.; Chase Bank USA, N.A., JPMorgan Bank Dublin plc; JPMorgan Chase Bank, N.A.; J.P. Morgan Securities, LLC, The Royal Bank of Scotland Group, plc; The Royal Bank of Scotland, plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC

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Count Five – Fraud	Bank of America Corporation; Bank of America, N.A.; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Chase Bank USA, N.A.; Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.; Credit Suisse AG; Credit Suisse Group AG; Credit Suisse International; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; HBOS plc; JPMorgan Bank Dublin plc; JPMorgan Chase Bank, N.A.; JPMorgan Chase & Co.; J.P. Morgan Securities, LLC; Lloyds Banking Group plc; Lloyds Bank plc; Merrill Lynch Capital Services, Inc.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Royal Bank of Canada; The Royal Bank of Scotland Group plc; The Royal Bank of Scotland plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Six – Aiding and Abetting Fraud	Bank of America Corporation; Bank of America, N.A.; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Chase Bank USA, N.A.; Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.; Credit Suisse AG; Credit Suisse Group AG; Credit Suisse International; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; HBOS plc; JPMorgan Bank Dublin plc; JPMorgan Chase Bank, N.A.; JPMorgan Chase & Co.; J.P. Morgan Securities, LLC; Lloyds Banking Group plc; Lloyds Bank plc; Merrill Lynch Capital Services, Inc.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Royal Bank of Canada; The Royal Bank of Scotland Group plc; The Royal Bank of Scotland plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Seven – Negligent Misrepresentation	Bank of America Corporation; Bank of America, N.A.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Merrill Lynch Capital Services Inc.; Credit Suisse Group AG; Credit Suisse AG; Credit Suisse International; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; JPMorgan Chase & Co.; JPMorgan Chase Bank, N. A.; Chase Bank USA, N.A.; JPMorgan Bank Dublin plc; J.P. Morgan Securities, LLC; Royal Bank of Canada; The Royal Bank of Scotland Group, plc; The Royal Bank of Scotland, plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Eight – Unjust Enrichment	Bank of America Corporation; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Merrill Lynch Capital Services, Inc.; Credit Suisse Group AG; Credit Suisse AG; Credit Suisse International; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; JPMorgan Chase & Co.; Chase Bank USA, N.A.; JPMorgan Bank Dublin plc; J.P. Morgan Securities, LLC;

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	The Royal Bank of Scotland Group, plc; UBS Securities LLC
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Consistent with the above, Principal Financial and the following Defendants have agreed that those Defendants are not obligated to move, answer, or otherwise respond to the pending complaint in the *Principal Financial* Action:

- Bank of America Corporation; Merrill Lynch Capital Services, Inc.; Merrill Lynch, Pierce, Fenner & Smith, Inc.;
- British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.);
- Chase Bank USA, N.A., JPMorgan Bank Dublin plc; JPMorgan Chase & Co.; J.P. Morgan Securities, LLC;
- Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.,
- Credit Suisse AG, Credit Suisse Group AG, Credit Suisse International; Credit Suisse Securities (USA) LLC;
- Deutsche Bank AG; Deutsche Bank Securities, Inc.,
- HBOS plc; Lloyds Banking Group plc, Lloyds Bank plc,
- The Royal Bank of Scotland Group, plc;
- UBS Securities LLC.

Principal Funds

Principal Funds, Inc., et al. ("Principal Funds") and the Defendants in the *Principal Funds* Action have stipulated and agreed that the following Defendants are or shall be treated as dismissed from the counts identified in the table below, based on the Court's prior rulings¹⁰:

<u>Principal Funds Revised Second Amended Complaint¹¹ Count</u>	<u>Dismissed Entities</u>
Count One – Violation of Section 1 of the Sherman Act	Bank of America Corporation, Bank of America, N.A., British Bankers' Association, BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Coöperatieve Centrale

¹⁰ All of Principal Funds' claims against the Citi Defendants and Barclays Defendants have been dismissed with prejudice, ECF Nos. 2865, 2822, and neither the Citi entities nor the Barclays entities are named as defendants in the Revised Second Amended Complaint filed by Principal Funds, ECF No. 2910.

¹¹ No. 11-md-2262-NRB, ECF No. 2910

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	Raiffeisen-Boerenleenbank, B.A.; Credit Suisse AG; Credit Suisse Group AG; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; HBOS plc; JPMorgan Chase Bank, N.A.; JPMorgan Chase & Co.; J.P. Morgan Securities, LLC; Lloyds Banking Group plc; Lloyds Bank plc; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Royal Bank of Canada, The Royal Bank of Scotland Group plc; The Royal Bank of Scotland plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Two – Violation of the Donnelly Act	Bank of America Corporation; Bank of America, N.A.; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.; Credit Suisse AG; Credit Suisse Group AG; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; HBOS plc; JPMorgan Chase Bank, N.A.; JPMorgan Chase & Co.; J.P. Morgan Securities, LLC; Lloyds Banking Group plc; Lloyds Bank plc; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Royal Bank of Canada, The Royal Bank of Scotland Group plc; The Royal Bank of Scotland plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Three – Breach of Contract and Covenant of Good Faith and Fair Dealing for Interest Rate Swaps	Bank of America Corporation; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Citigroup Inc.; Credit Suisse Group AG; Credit Suisse AG; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; JPMorgan Chase & Co.; JPMorgan Chase Bank, N.A.; J.P. Morgan Securities, LLC; The Royal Bank of Scotland Group, plc; RBS Securities, Inc.; UBS Securities LLC
Count Four – Breach of Contract and Covenant of Good Faith and Fair Dealing for Variable-Rate Bonds and Asset-Backed Securities	Bank of America Corporation; Bank of America, N.A.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Credit Suisse Group AG; Credit Suisse AG; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; JPMorgan Chase & Co.; JPMorgan Chase Bank, N. A.; J.P. Morgan Securities, LLC; The Royal Bank of Scotland Group, plc; The Royal Bank of Scotland, plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Five – Fraud	Bank of America Corporation; Bank of America, N.A.; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.; Credit Suisse AG,

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	Credit Suisse Group AG, Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; HBOS plc; JPMorgan Chase Bank, N.A.; JPMorgan Chase & Co.; J.P. Morgan Securities, LLC; Lloyds Banking Group plc; Lloyds Bank plc; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Royal Bank of Canada; The Royal Bank of Scotland Group plc; The Royal Bank of Scotland plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Six – Aiding and Abetting Fraud	Bank of America Corporation; Bank of America, N.A.; British Bankers' Association; BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.); Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.; Credit Suisse AG; Credit Suisse Group AG; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; HBOS plc; JPMorgan Chase Bank, N.A.; JPMorgan Chase & Co.; J.P. Morgan Securities, LLC; Lloyds Banking Group plc; Lloyds Bank plc; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Royal Bank of Canada; The Royal Bank of Scotland Group plc; The Royal Bank of Scotland plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Seven – Negligent Misrepresentation	Bank of America Corporation; Bank of America, N.A.; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Credit Suisse Group AG; Credit Suisse AG; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; JPMorgan Chase & Co.; JPMorgan Chase Bank, N.A.; J.P. Morgan Securities, LLC; The Royal Bank of Scotland Group, plc; The Royal Bank of Scotland, plc; RBS Securities, Inc.; UBS AG; UBS Securities LLC
Count Eight – Unjust Enrichment	Bank of America Corporation; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Credit Suisse Group AG; Credit Suisse AG; Credit Suisse Securities (USA) LLC; Deutsche Bank AG; Deutsche Bank Securities, Inc.; JPMorgan Chase & Co.; JPMorgan Chase Bank, N.A.; J.P. Morgan Securities, LLC; The Royal Bank of Scotland Group, plc; RBS Securities, Inc.; UBS Securities LLC

Consistent with the above, Principal Funds and the following Defendants have agreed that those Defendants are not obligated to move, answer, or otherwise respond to the pending complaint in the *Principal Funds Action*:

- Bank of America Corporation, Merrill Lynch, Pierce, Fenner & Smith, Inc.;

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- British Bankers' Association, BBA Enterprises Ltd.; BBA Trent Ltd. (f/k/a BBA LIBOR Ltd.);
- Coöperatieve Centrale Raiffeisen-Boerenleenbank, B.A.;
- Credit Suisse Group AG; Credit Suisse AG; Credit Suisse Securities (USA) LLC,
- Deutsche Bank AG; Deutsche Bank Securities, Inc.,
- HBOS plc, Lloyds Banking Group plc, Lloyds Bank plc;
- JPMorgan Chase & Co.; JPMorgan Chase Bank, N.A.; J.P. Morgan Securities, LLC;
- Royal Bank of Canada;
- The Royal Bank of Scotland Group, plc; RBS Securities, Inc.,
- UBS Securities LLC.

NCUA

The National Credit Union Administration Board ("NCUA") and the Defendants in the NCUA Action have stipulated and agreed that the following Defendants are or shall be treated as dismissed from the counts identified in the table below, based on the Court's prior rulings:

<u>NCUA Third Amended Complaint¹² Count</u>	<u>Dismissed Entities</u>
First Cause of Action – Violation of Section 1 of the Sherman Act	Credit Suisse Group AG, Barclays Bank PLC; Barclays Capital Inc.; Lloyds Banking Group plc, WestLB AG; Westdeutsche Immobilienbank AG; UBS AG; The Royal Bank of Scotland Group plc; Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A.; The Norinchukin Bank; MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); HBOS plc, Société Générale; Royal Bank Of Canada; Bank of America Corporation; Bank of America, N.A.; Citigroup Inc.; Citibank, N.A.; Citigroup Financial Products Inc., Deutsche Bank AG; Rabobank International, Citi Swapco Inc.; HSBC Holdings plc; HSBC Bank USA, N.A.; JPMorgan Chase & Co.; JPMorgan Chase Bank N.A.
Second Cause of Action – Violation of State Antitrust, Unfair Competition, and Restraint of Trade Laws	Credit Suisse Group AG; Barclays Bank PLC; Barclays Capital Inc.; Lloyds Banking Group plc; WestLB AG; Westdeutsche Immobilienbank AG; UBS AG; The Royal Bank of Scotland Group plc; Coöperatieve Centrale Raiffeisen-Boerenleenbank b.a.; The Norinchukin Bank; MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); HBOS plc,

¹² No. 11-md-2262-NRB, ECF No. 2848.

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	Société Générale, Royal Bank of Canada; Bank of America Corporation; Bank of America, N.A.; Citigroup Inc., Citibank, N.A., Citigroup Financial Products Inc.; Deutsche Bank AG; Rabobank International; Citi Swapco Inc.; HSBC Holdings plc; HSBC Bank USA, N.A.; JPMorgan Chase & Co.; JPMorgan Chase Bank N.A.
Third Cause of Action – Breach of Contract and Implied Covenant of Good Faith and Fair Dealing with Members United	Bank of America Corporation; Bank of America, N.A.; JPMorgan Chase & Co.; JPMorgan Chase Bank N.A.
Fourth Cause of Action – Breach of Contract with Southwest	Citigroup Inc.; Citigroup Financial Products Inc.; Citi Swapco Inc.; Citibank, N.A.
Fifth Cause of Action – Breach of Contract with WesCorp	Bank of America Corporation; Bank of America, N.A.; JPMorgan Chase & Co.; JPMorgan Chase Bank N.A.; Citigroup Inc.; Citigroup Financial Products Inc.; Citi Swapco Inc., Citibank, N.A., Barclays Bank PLC, Barclays Capital Inc.; Deutsche Bank AG; The Royal Bank of Scotland Group plc, UBS AG; HSBC Holdings plc, HSBC Bank USA, N.A.
Sixth Cause of Action – Breach of Contract with U.S. Central	Bank of America Corporation; JPMorgan Chase & Co.
Seventh Cause of Action – Tortious Interference with the Credit Unions' Contracts	Credit Suisse Group AG; Barclays Bank PLC; Barclays Capital Inc.; Lloyds Banking Group plc, WestLB AG; Westdeutsche Immobilienbank AG; UBS AG; The Royal Bank of Scotland Group plc; Coöperatieve Centrale Raiffeisen-Boerenleenbank b.a.; The Norinchukin Bank; MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); HBOS plc, Société Générale, Royal Bank Of Canada; Bank of America Corporation; Bank of America, N.A., Citigroup Inc.; Citibank, N.A.; Citigroup Financial Products Inc., Deutsche Bank AG; Rabobank International; Citi Swapco Inc.; HSBC Holdings plc; HSBC Bank USA, N.A.; JPMorgan Chase & Co.; JPMorgan Chase Bank N.A.
Eighth Cause of Action – Tortious Interference with the Credit Unions' Prospective Economic Advantage	Credit Suisse Group AG, Barclays Bank PLC; Barclays Capital Inc., Lloyds Banking Group plc; WestLB AG; Westdeutsche Immobilienbank AG, UBS AG; The Royal Bank of Scotland Group plc; Coöperatieve Centrale Raiffeisen-Boerenleenbank b.a., The Norinchukin Bank, MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); HBOS plc, Société Générale, Royal Bank of Canada; Bank of America Corporation; Bank of America, N.A.; Citigroup Inc.; Citibank,

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	N.A.; Citigroup Financial Products Inc.; Deutsche Bank AG; Rabobank International; Citi Swapco Inc.; HSBC Holdings plc; HSBC Bank USA, N.A.; JPMorgan Chase & Co.; JPMorgan Chase Bank N.A.
Ninth Cause of Action – Unjust Enrichment	Credit Suisse Group AG; Lloyds Banking Group plc; WestLB AG; Westdeutsche Immobilienbank AG; The Norinchukin Bank; MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.); HBOS plc; Société Générale; Royal Bank of Canada; Bank of America Corporation; Citigroup Inc.; Citibank, N.A.; Citigroup Financial Products Inc.; Citi Swapco Inc.; HSBC Holdings plc; HSBC Bank USA, N.A.; JPMorgan Chase & Co.

Consistent with the above, NCUA and the following Defendants agree that those Defendants are not obligated to move, answer, or otherwise respond to the pending complaint in the NCUA Action:

- Bank of America Corporation;
- Citigroup Inc.; Citibank, N.A., Citigroup Financial Products Inc., Citi Swapco Inc.;
- Credit Suisse Group AG;
- HBOS plc; Lloyds Banking Group plc,
- HSBC Holdings plc; HSBC Bank USA, N.A.;
- JPMorgan Chase & Co.;
- MUFG Bank, Ltd. (f/k/a The Bank of Tokyo-Mitsubishi UFJ Ltd.);
- The Norinchukin Bank;
- Royal Bank of Canada;
- Société Générale;
- WestLB AG; Westdeutsche Immobilienbank AG.

NCUA and Defendants Barclays Bank PLC, Barclays Capital Inc., and Deutsche Bank AG in the NCUA Action have stipulated and agreed that those Defendants are or shall be treated as dismissed from all counts in the NCUA Action except for Counts 6 and 9. The parties are conferring regarding whether the Court's July 10, 2019 opinion (ECF No. 2908) results in the dismissal of Defendants Barclays Bank PLC, Barclays Capital Inc., and Deutsche Bank AG from Counts 6 and 9. NCUA and Defendants Barclays Bank PLC, Barclays Capital Inc., and

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Deutsche Bank AG stipulate and agree that those defendants shall have until August 12, 2019 to move, answer, or otherwise respond to the pending complaint in the *NCUA* Action (if necessary).

It is the position of Barclays and Deutsche Bank that Counts 6 and 9 are unambiguously covered by their respective settlement agreements, which released any claims “whether class or individual, in law or equity or arising under . . . contract, or otherwise in nature . . . arising from or relating in any way to any conduct alleged or that could have been alleged in and arising from the factual predicate of the OTC Action.”

* * *

Defendants respectfully request that the Court so-order the requests set forth above.

Respectfully yours,

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¹³ Wilmer Cutler Pickering Hale and Dorr LLP is counsel for these defendants except as to plaintiffs Principal Funds, Inc., Principal Capital Interest Only I, LLC, Principal Commercial Funding, LLC, Principal Commercial Funding II, LLC; Principal Financial Group, Inc., Principal Financial Services, Inc., Principal Life Insurance Company, Principal Real Estate Investors, LLC, and Principal Variable Contracts Funds, Inc., Clifford Chance US LLP is counsel for these defendants as to these plaintiffs.

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/s/ Eric J. Stock

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August 12, 2019